IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 285 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/11/2004 in WP NO : 12265 OF 2004 on the file of the High Court.)

Between:

B. Venkateswara Reddy, S/o. B. Venkata Reddy,
R/o. H.No. 40/814-7B, Srinivasa Nagar, Kurnool - 518 004.

..... APPELLANT

AND

1 The Superintendent of Police, Anantapur, Anantapur District.
2 The Station House Officer, Anantapur, Rural Police Station, Anantapur.
3 M.R. Srinath,
Deccan Chronicle, Andhra Bhoomi, Newspapers, H.No. 6-690, Kovvurinagar, Ananthapur 515 004.
4 T. Venkatarami Reddy,
Deccan Chronicle, Andhra Bhoomi, Newspapers 36, Sarojini Devi Road Secunderabad - 500 003.

.....RESPONDENT(S)

Counsel for the Appellant: MR.EDIGA MALLIKARJUNA

Counsel for the Respondent Nos.1 & 2: GP FOR HOME

Counsel for the Respondents 3 and 4: Mr. A. Chandra Sekhar

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Learned single judge dismissed the appellant's writ petition in which direction was sought to declare the action of the respondents 1 and 2 in not initiating any action against Respondents 3 and 4 pursuant to complaint alleged to have been lodged on 5.7.2004 as illegal and arbitrary with further direction that complaint dated 5.7.2004 be directed to be investigated upon in accordance with law.

We have heard the learned counsel for the appellant and gone through the complaint dated 5.7.2004.

The complaint on the face of it discloses that even as per the appellant's own version, the Managing Director, 4th respondent herein had furnished information to the Provident Fund Office alleging that appellant's services have been terminated on 31st October, 1999. Appellant's grievance is that he has not been paid salary from 1.11.1999 to 2.6.2000, to which he was legally entitled. Therefore, according to the appellant, it is a case of committing fraud, inasmuch as, in the complaint lodged by one Srinath, Assistant General Manager before the Station House Officer, II Town Police Station, Anantapur, it was alleged that petitioner was presently working at Anantapur as News Contributor for Andhra Bhoomi daily newspaper and that prior thereto he was working in the same capacity at Kurnool Office.

In our view, there is hardly any case made out for issuing any direction to the respondents for registration of any crime inasmuch as there is no cognizable offence made out, which obligated the respondents 1 and 2 to register a case and to make any investigation. Irrespective of the fact that no cognizance was taken by respondents 1 and 2, nothing prevents the appellant-petitioner to challenge the same independently in appropriate proceedings for redressal of his grievance, if any. Learned single judge was justified in dismissing the writ petition.

The writ appeal is accordingly dismissed. No costs.

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DEVINDER GUPTA,CJ

DATE: 28th February, 2005

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B. SESHASAYANA REDDY,J

Pnb

To

1 The Superintendent of Police, Anantapur, Anantapur District.

2 The Station House Officer, Anantapur, Rural Police Station, Anantapur.

3 Two C.Cs. to the Government Pleader for Home, High Court Buildings, Hyderabad. (OUT)

4 Two C.D. copies